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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,676	08/31/2001	Daniel Keele Burgin	FINL-005/00US	8505

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EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,676

Applicant(s)

BURGIN ET AL.

Examiner

Kathleen M. Christman

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

In response to the amendment filed 12/07/2004, claims 24-30 have been cancelled; claims 37-44 and newly added claims 45-53 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 45-53 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

In the present case, the claimed method fails to produce a tangible result. The claimed method steps, of the independent claims, results in "initiating an automated help session"; this initiation step fails to show any practical application of the method. Although it is asserted that the help session may be useful in providing user support, the method does not show a tangible result. A result is not tangible when the claims involve no more than the manipulation of an abstract idea. The claimed method merely manipulates data without actually applying the manipulated data in a real-world result. Dependent claims 46-52 fail to correct this issue as they do not add any steps, which incorporate the production of a tangible result.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 53 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3713

Claim 53 recites the limitation "the consistent page domain security requirement". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 37-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al (US 2002/0130895 A1) in view of Jawahar et al (US 6256620 B1).** Brandt teaches a method for providing help/support information to user including the steps of: passing a navigation event (the help signal paragraph 29) from a first frame (web page) originating from a first domain (the web file) to a second frame (the help window, paragraph 13) originating from a second domain (the instructions in the computer memory), see paragraphs 36 and 37; determining the present navigation location within the first frame using the navigation event and initiating an automated help session in the second frame, the automated help session corresponding to the determined present navigation location (paragraph 31), as in **claims 37 and 45**.. Collecting data from the first frame that was collect from the user in the first frame and passing the received information to the second frame (**claims 39, 42, 47 and 50**) is shown in the

Art Unit: 3713

tracking of the user actions in the web page, see paragraph 45. The web page of Brandt is by definition a content frame, as per **claims 40 and 48**.

Brandt fails to specifically teach: displaying the first frame and the second frame in a single web page at the user computer (newly added to **claims 37, 45 and 53**); or that the browser is subject to the consistent page domain security requirement (newly added to **claim 53**); initiation a live help session and passing the data from the automated help session to the live help session (**claims 38 and 46**); passing a command from the automated support session to the first frame (**claims 41 and 49**); receiving data that was collected in the live help session and passing the data to the first frame (**claims 43 and 51**); receiving data collected from the user in the second frame and passing the data to the live help session (**claims 44 and 52**); and that the user's computer, first Internet domain, and second Internet domain are separate (**claim 53 and newly added to claims 37 and 45**).

Jawahar et al teaches on online system for providing live support to a end-user. The system teaches collecting all interaction of a user on a web page (content frame) and passing this information to the live support session in at least col. 12: 65 - col. 13:23. These features are substantially similar to the data collection and passing steps not taught by Brandt. The ability for the help session to send information to the user's computer, i.e. passing information from the help session to the content frame, is shown in col. 7: 37-40. The Jawahar et al system monitors all user interactions, which in the combination of the inventions, includes those interactions made with the automated help system of Brandt et al. Separation of each of the various features of Jawahar is taught in at least Figure 2. The use of multiple frames within a web-browser, including on indicating the help session and the other representing the browser location is shown in at least col. 12: 21-64. Jawahar also teaches the use of either the Netscape or Internet Explore browser (see col. 6: 8-21), both of which are known to operate under the consistent page domain security when implemented in a Windows environment. It would have been obvious to one of ordinary skill in the art to implement the live help session features of Jawahar et al with the automated help system of Brandt et al so as to implement a convenient means for a user encountering difficulties with a web page to contact a live representative to gain assistance (Jawahar et al, background).

Response to Arguments

4. Applicant's arguments filed 04/26/2005 have been fully considered but they are not fully persuasive.

Rejections under 35 USC §101

The amendment to claim 37, which introduced the step of "displaying the first frame and the second frame in a single web page at the user computer" has introduced a tangible result to the method steps and the rejection has been withdrawn. However, such a feature has not been added to independent claims 45 and 53. Each of these claims still only results in an initiation step, which does not show any appreciable result. Nothing is ever displayed or any visible change made in the data.

Rejections based upon Brandt et al

The examiner has previously agreed with the applicant that Brandt et al fails to teach the separation of the first domain, the second domain and the user computer, in the previous discussions concerning claim 53. Brandt et al has never been relied upon for such a teaching. This feature is however, taught in Jawahar et al in the manner shown above. Applicant has submitted no arguments addressing the Jawahar et al reference for its teaching of such, and has therefor acquiesced Jawahar et al's teaching of the feature. The newly added limitations concerning the display of the first and second frame within a single web page are addressed in the rejection above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH


Art Unit: 3713


shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M. Christman whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kathleen M. Christman
June 29, 2005


XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700